

television households, making it the largest cable programmer in the United States. See Cablevision, February 8, 1993, at 42. Moreover, cable systems offering ESPN pass more than 95 percent of the nation's television households. ESPN is offered either on the basic or the expanded basic tier on all cable systems carrying the channel; the price of both of these tiers is now subject to rate regulation under Section 3 of the 1992 Cable Act.

(2). The exclusivity provisions in the ESPN contract have had minimal effect upon over-the-air broadcasts. The Tuesday and Friday night ESPN telecasts have no exclusivity restrictions. With respect to Sunday nights, superstition telecasts are not permitted after 5:00 pm; otherwise, exclusivity affects only those teams featured in the ESPN games. On Wednesday, no club may authorize an over-the-air broadcast after 4:05 pm. The minimal Wednesday night exclusivity does not result in fewer games being shown on broadcast television. Flagship stations typically show three games per week. The ESPN contract simply requires that none of those games be broadcast on Wednesday night.

Baseball clubs have not been limited to any significant degree by exclusivity restrictions contained in the national network contracts with ESPN or CBS. In fact, the restrictions contained in these contracts are

so slight that each club still has the ability to authorize at least 130 local telecasts per year.

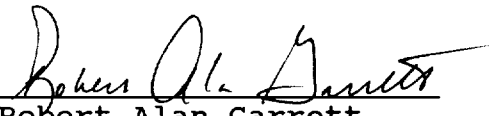
(3). ESPN, as the daily electronic voice of Baseball, has become a critically important source of Baseball programming for the American public. The ESPN package is reflective of that type of innovation and diversity that Baseball seeks to provide its fans. From an economic standpoint, however, the ESPN package has not turned out to be what ESPN had originally envisioned. Indeed, ESPN has reportedly lost millions of dollars during the first three seasons of the Baseball contract.

The widespread availability of Baseball telecasts on superstations has been viewed as a prime factor undercutting the success of Baseball on ESPN. Unlike ESPN (or CBS), superstations do not pay national rights fees. Yet they compete with ESPN (and CBS) for limited national advertising. See, e.g., Broadcasting & Cable, Mar. 15, 1993, at 53-54. Superstations also fractionalize the audience for national Baseball telecasts. Indeed, a head-to-head comparison of Braves telecasts on WTBS and Baseball telecasts on ESPN reveals that the average ESPN cable rating is one-half of WTBS' rating -- 1.1 as compared to 2.2. See Exhibit F.

ESPN has advised that it will not exercise the option to continue the Baseball contract through the 1995 season. Baseball only recently has begun to discuss the

terms for a new national cable network contract. Baseball remains hopeful that it can, in any new contract, achieve the same objectives that underlie the original ESPN contract.

Respectfully submitted,

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March 29, 1993

EXHIBIT A

Total Number of Flagship and Regional Sports  
Network Baseball Telecasts (1980-1993)

<u>Flagship Broadcasts</u>			<u>RSN Telecasts</u>		<u>Total Telecasts</u>	
	<u>Number</u>	<u>% of Whole</u>	<u>Number</u>	<u>% of Whole</u>	<u>Number</u>	<u>% of Whole</u>
1980	1392	36%	NA	NA	NA	NA
1981	1488	38%	215	6%	1703	44%
1982	1494	38%	400	10%	1894	49%
1983	1484	38%	659	17%	2143	55%
1984	1426	37%	1128	29%	2554	66%
1985	1461	38%	740	19%	2201	57%
1986	1505	39%	815	21%	2320	60%
1987	1521	39%	891	23%	2412	62%
1988	1565	40%	934	24%	2499	64%
1989	1575	41%	968	25%	2543	65%
1990	1552	40%	1103	28%	2655	68%
1991	1563	40%	1138	29%	2701	69%
1992	1547	40%	1157	30%	2704	70%
1993*	1584	41%	1146	29%	2730	70%
1993**	1705	40%	1206	29%	2911	69%

\* Does not include two expansion clubs -- % of whole based on 3888 possible telecasts (24 clubs X 162 games)

\*\* Does include two expansion clubs -- % of whole based on 4212 possible telecasts (26 clubs X 162 games)

Note: Telecasts over national broadcast and cable networks are not included in these totals.

**EXHIBIT B**

**Baseball Flagship Broadcast Stations - 1993**

<u>Club</u>	<u>Flagship (Affiliation)</u>	<u>Games</u>	<u>Contract Expires</u>
Atlanta Braves	WTBS (Independent)	125	2012
Chicago Cubs	WGN (Independent)	140	2002
Cincinnati Reds	WLWT (NBC)	53	1993
Colorado Rockies	KWGN (Independent)	71	1997
Florida Marlins	WBFS (Independent)	50	1996
Houston Astros	KTXH (Independent)	67	1995
Los Angeles Dodgers	KTLA (Independent)	46	1997
New York Mets	WWOR (Independent)	75	1994
Philadelphia Phillies	WPHL (Independent)	85	1997
Pittsburgh Pirates	KDKA (CBS)	53	1993
St. Louis Cardinals	KPLR (Independent)	77	1993
San Diego Padres	KUSI (Independent)	48	1994
San Francisco Giants	KTVU (Independent)	47	1994
Baltimore Orioles	WMAR (NBC)	50	1993
Boston Red Sox	WSBK (Independent)	75	1995
California Angels	KTLA (Independent)	50	1995
Chicago White Sox	WGN (Independent)	48	1994
Cleveland Indians	WUAB (Independent)	60	1993

## EXHIBIT B continued

<u>Club</u>	<u>Flagship (Affiliation)</u>	<u>Games</u>	<u>Contract Expires</u>
Detroit Tigers	WDIV (NBC)	47	1994
Kansas City Royals	KSMO (NBC)	62	1995
Milwaukee Brewers	WVTV (Independent)	65	1994
Minnesota Twins	WCCO (CBS)	61	1993
New York Yankees	WPIX (Independent)	50	1993
Oakland A's	KRON (NBC)	50	1997
Seattle Mariners	KSTW/KIRO (Independent)	60	1995
Texas Rangers	KTVT (Independent)	90	1995
TOTAL		1,705	

Note: This Exhibit includes telecasts of regular season games only. Telecasts of spring training and other exhibition games are not included.



EXHIBIT C

Baseball Home and Away Flagship Broadcasts in 1993

<u>Team</u>	<u>Home</u>	<u>Away</u>	<u>Total</u>
Atlanta Braves	61	64	125
Chicago Cubs	76	64	140
Cincinnati Reds	8	45	53
Colorado Rockies	17	54	71
Florida Marlins	1	49	50
Houston Astros	0	67	67
Los Angeles Dodgers	0	46	46
New York Mets	36	39	75
Philadelphia Phillies	24	61	85
Pittsburgh Pirates	11	42	53
St. Louis Cardinals	14	63	77
San Diego Padres	0	48	48
San Francisco Giants	7	40	47
Baltimore Orioles	5	45	50
Boston Red Sox	29	46	75
California Angels	6	44	50
Chicago White Sox	20	28	48
Cleveland Indians	15	45	60
Detroit Tigers	10	37	47
Kansas City Royals	2	60	62
Milwaukee Brewers	5	60	65
Minnesota Twins	5	56	61
New York Yankees	28	22	50
Oakland A's	14	36	50

## EXHIBIT C continued

Seattle Mariners	9	51	60
Texas Rangers	29	61	90
	<hr/>	<hr/>	<hr/>
TOTALS	432	1273	1705

EXHIBIT D

Baseball Regional Television Networks - 1992

\* Flagship Station

<u>Club</u>	<u>Station</u>	<u>Location</u>
Atlanta Braves	WTBS*	Atlanta, GA
Chicago Cubs	WGN*	Chicago, IL
	KLJB	Davenport, IL
	WCEE	Mt. Vernon, IL
	WEEK	Peoria, IL
	WICD	Champaign, IL
	WICS	Springfield, IL
	WQRF	Rockford, IL
	KCRG	Cedar Rapids, IA
	WHO	Des Moines, IA
	WFFT	Ft. Wayne, IN
	WMCC	Indianapolis, IN
Cincinnati Reds	WLWT*	Cincinnati, OH
	WHIO	Dayton, OH
	WHIZ	Zanesville, OH
	WLIO	Lima, OH
	WTTE	Columbus, OH
	WAQ	Palm Beach, FL
	WAYK	Orlando, FL
	WBR	Ft. Myers, FL
	WJTC	Pensacola, FL
	WTMV	Tampa, FL
	WEVV	Evansville, IN
	WFFT	Fort Wayne, IN
	WMCC	Indianapolis, IN
	WDKY	Lexington, KY
	WDRB	Louisville, KY
	WGRB	Bowling Green, KY
	W43AG	Hopkinsville, KY
	WHKY	Charlotte, NC
	WEMT	Brstl-Kgprrt-Jnsn Cty, TN
	WXMI	Nashville, TN
	WVAH	Charleston/Huntington, WV

Houston Astros	KTXH* KETX KIDY KJLF KJTL KVC-13 KXTX K16BY K40AN TCA Cable WAYK WJTC K62-TV WBTR KHFT	Houston, TX Livingston, TX San Angelo, TX El Paso, TX Wichita Falls, TX Austin, TX Dallas, TX Crockett, TX Lubbock, TX Bryan, TX Palm Bay, FL Pensacola, FL Lafayette, LA Baton Rouge, LA Hobbs, NM
Los Angeles Dodgers	KTTV* KRLR	Los Angeles, CA Las Vegas, NV
New York Mets	WWOR* WTTX	Secaucus, NJ Waterbury, CT
Philadelphia Phillies	WTXF* WLYH WOLF	Philadelphia, PA Lancaster, PA Wilkes-Barre, PA
Pittsburgh Pirates	KDKA* WETG WPMT WWCP WKBN WTOV WVAH WYVN	Pittsburgh, PA Erie, PA York, PA Johnstown, PA Youngstown, OH Steubenville, OH Hurricane, WV Martinsburg, WV

St. Louis Cardinals

KPLR*	St. Louis, MO
KDEB	Springfield, MO
Kennett	Kennett, MO
KOMU	Columbia, MO
KQTV	St. Joseph, MO
K570R/KSNF	Joplin, MO
TCI Cable	Columbia, MO
TCI Cable	Jefferson City, MO
Telecable	Springfield, MO
Blythevill	Blytheville, AR
City/Parag	Paragould, AR
Corning	Corning, AR
KASN	Little Rock, AR
KPBI	Fort Smith, AR
Paragould	Paragould, AR
Pocahontas	Pocahontas, AR
TCI Cable	Jonesboro, AR
WAYK	Orlando, FL
WAYQ	Daytona Beach, FL
WJTC	Pensacola, FL
WTMV	Tampa, FL
W07BR	Fort Myers, FL
W19AQ	W. Palm Beach, FL
Heritage	Des Moines, IA
KJMH	Burlington, IA
KOCR	Cedar Rapids, IA
KOIA	Ottumwa, IA
KTIV	Sioux City, IA
K45CW	Dubuque, IA
K51CR	Cedar Falls, IA
Telecable	Normal/Bloomington, IL
WCCU	Champaign, IL
WGEM	Quincy, IL
WRSP	Springfield, IL
WYZZ	Peoria, IL
WEVV/W52AZ	Evansville, IN
KBSI	Paducah, KY
Mayfield	Mayfield, KY
Murray Cbl	Murray, KY
Cox Cable	Oklahoma City, OK
Multimedia	Edmond, OK
Multimedia	Stillwater, OK
TCI Cable	Tulsa, OK
Memphis	Memphis, TN
Totalreach	Jackson, TN
WPTY	Memphis, TN
KXIV	Salt Lake City, UT

San Diego Padres	KUSI* Century KESQ King Cable Tele-Cable Warner Cbl XHBJ KMOH KUSK K23BJ Sun Cable WJTC WTTA KFVE KZIA KRLR KCCZ KOOG	San Diego, CA El Centro, CA Palm Springs, CA Lake Elsinore, CA Borrego Springs, CA Palm Springs, CA San Diego, CA Kingman, AZ Prescott/Phnx/Mesa, AZ Lake Havasu, AZ Yuma, AZ Pensacola, FL Tampa, FL Honolulu, HI Las Cruces, NM Las Vegas, NV Cedar City, UT Ogden, UT
San Francisco Giants	KTVU* KCBA KMPH KRBK KAME	Oakland, CA Salinas, CA Fresno, CA Sacramento, CA Reno, NV
Baltimore Orioles	WMAR* WDCA WAYK W07BR WAU WVT WYED W10BZ WYVN	Baltimore, MD Washington, DC Palm Bay, FL Fort Myers, FL Reidsville, NC Roanoke Rapids, NC Clayton, NC Wilmington, NC Martinsburg, WV
Boston Red Sox	WSBK* WGGB WLNE WVIT WCSH WLBZ WNNE	Boston, MA Springfield, MA New Bedford, MA Hartford, CT Portland, ME Bangor, ME White River Jct., VT
California Angels	KTLA*	Los Angeles, CA



Chicago White Sox	WGN*	Chicago, IL
Cleveland Indians	WUAB*	Cleveland, OH
Detroit Tigers	WDIV* WJRT WLNS WLUC WPBN WTOM WTOM WWMT	Detroit, MI Flint-Saginaw, MI Lansing-Jackson, MI Marquette, MI Cadillac-Traverse, MI Sault Ste Marie, MI Cheboygan, MI Kalamazoo, MI
Kansas City Royals	WDAF* KDEB	Kansas City, MO Springfield. MO

Minnesota Twins

WCCO\*

Minneapolis/St. Paul, MN

Texas Rangers

KTVT*	Fort Worth, TX
KBO	Wichita Falls, TX
KCIT	Amarillo, TX
KDF	Corpus Christi, TX
KJTL	Wichita Falls, TX
KJTV	Lubbock, TX
KVC-13	Austin, TX
KPBI	Fort Smith, AR
WAYK	Orlando, FL
WBR	Fort Myers, FL
WJTC	Pensacola, FL
KDW	Lafayette, LA
WBTR	Baton Rouge, LA
KDS	Lawton, OK
KOCB	Oklahoma City, OK
KTFO	Tulsa, OK
KOOG	Salt Lake City, UT

EXHIBIT E

Baseball Regional Sports Networks - 1993

<u>Club</u>	<u>Regional Sports Network (Service Tier)*</u>	<u>Games</u>	<u>Contract Expires</u>
Atlanta Braves	SportsSouth (B)	28	1993
Chicago Cubs	Chicagoland (B)	12	1993
Cincinnati Reds	SportsChannel Cincinnati (B/P)	35	1995
Colorado Rockies	-	-	-
Florida Marlins	Sunshine (B)	60	1996
Houston Astros	Home Sports Entertainment (B/E/P)	55	1994
Los Angeles Dodgers	-	-	-
New York Mets	SportsChannel New York (E/P)	75	2011
Philadelphia Phillies	Prism/SportsChannel Philadelphia (B/P)	68	1993
Pittsburgh Pirates	KBL Entertainment (B/E/P)	59	1993
St. Louis Cardinals	-	-	-
San Diego Padres	Cox Cable (Package)	50	1993
San Francisco Giants	SportsChannel Pacific (B/P)	55	1997
Baltimore Orioles	Home Team Sports (T/B/E/P)	85	1994
Boston Red Sox	New England Sports Network (P)	81	2002
California Angels	Prime Ticket (B/P)	20	1997
Chicago White Sox	SportsChannel Chicago (B)	110	1999

## EXHIBIT E continued

<u>Club</u>	<u>Regional Sports Network</u>	<u>Games</u>	<u>Contract Expires</u>
Cleveland Indians	SportsChannel Ohio (B/P)	45	1993
Detroit Tigers	Pro Am Sports System (B/E/P)	70	1999
Kansas City Royals	-	-	-
Milwaukee Brewers	-	-	-
Minnesota Twins	Midwest SportsChannel (T/B)	73	1993
New York Yankees	Madison Square Garden (B/E)	108	2000
Oakland A's	SportsChannel Pacific (B/P)	59	1994
Seattle Mariners	-	-	-
Texas Rangers	Home Sports Entertainment (B/E/P)	58	1995
TOTAL		1,206	

\* B=Basic; E=Expanded Basic; P=Premium; T=TVRO

EXHIBIT F

1992 Head to Head Competition Between WTBS & ESPN

WTBS

4/10	FRI	7:30 PM	SF @ ATL	2.1
4/17	FRI	10:30 PM	ATL @ LA	1.8
4/21	TUE	10:00 PM	ATL @ SF	1.5
4/24	FRI	7:30 PM	HOU @ ATL	1.8
5/01	FRI	7:30 PM	NYM @ ATL	1.6
5/04	MON	8:00 PM	ATL @ CHI	1.9
5/11	MON	8:30 PM	ATL @ STL	1.5
5/15	FRI	7:30 PM	MON @ ATL	1.9
5/18	MON	7:30 PM	STL @ ATL	2.1
5/22	FRI	7:30 PM	ATL @ MON	1.5
5/25	MON	7:30 PM	ATL @ PHI	1.8
5/29	FRI	7:30 PM	ATL @ NYM	1.7
6/09	TUE	10:30 PM	ATL @ LA	1.7
6/12	FRI	7:30 PM	SD @ ATL	1.8
6/15	MON	7:30 PM	LA @ ATL	2.3
6/26	FRI	7:30 PM	ATL @ CIN	2.5
7/03	FRI	7:30 PM	CHI @ ATL	1.9
7/06	MON	7:30 PM	NYM @ ATL	2.7
7/17	FRI	8:30 PM	ATL @ HOU	1.9
7/20	TUE	8:30 PM	ATL @ STL	2.7
7/24	FRI	7:30 PM	PIT @ ATL	2.7
7/31	FRI	10:30 PM	ATL @ SF	1.5
8/07	FRI	7:30 PM	LA @ ATL	3.8
8/11	TUE	10:30 PM	SD @ ATL	3.4

ESPN

7:35 PM	NYN @ DET	1.1
10:30 PM	CIN @ SF	1.2
10:00 PM	CAL @ OAK	1.2
7:30 PM	MIL @ CLE	0.7
7:30 PM	CHI @ CIN	0.7
8:30 PM	NYM @ HOU	1.1
8:30 PM	ATL @ STL	1.1
7:30 PM	CAL @ BOS	0.9
7:30 PM	OAK @ BAL	1.1
7:30 PM	OAK @ BOS	1.9
7:30 PM	CIN @ NYM	2.0
7:30 PM	SF @ PIT	1.2
10:00 PM	HOU @ SD	0.7
7:30 PM	PIT @ NYM	0.8
7:30 PM	SF @ CIN	1.2
7:30 PM	MIL @ BOS	0.8
7:30 PM	CHI @ ATL	1.1
8:00 PM	CIN @ CHI	1.0
7:30 PM	STL @ CIN	1.1
7:30 PM	LA @ NYM	1.7
8:00 PM	OAK @ MIN	1.0
10:30 PM	SD @ LA	0.9
7:30 PM	MON @ PHI	0.6
10:30 PM	CWS @ OAK	0.9



## EXHIBIT F continued

WTBSESPN

8/14	FRI	7:30 PM ATL @ PIT	2.2	7:30 PM SD @ CIN	0.8
8/18	TUE	7:30 PM ATL @ MON	2.3	7:30 PM MIN @ CLE	1.1
8/21	FRI	8:00 PM STL @ ATL	2.7	7:30 PM OAK @ BAL	1.1
8/25	TUE	7:30 PM MON @ ATL	2.7	7:30 PM OAK @ BOS	1.1
8/28	FRI	9:15 PM ATL @ PHI	1.7	10:30 PM PIT @ SD	1.2
9/01	TUE	7:30 PM ATL @ NYM	3.0	7:30 PM SF @ PIT	0.9
9/04	FRI	7:30 PM PHI @ ATL	2.3	7:30 PM MIN @ TOR	0.9
9/08	TUE	5:00 PM LA @ ATL	2.3	7:30 PM CHI @ PIT	1.0
9/11	FRI	8:30 PM ATL @ HOU	2.2	7:30 PM MIL @ BAL	1.0
9/15	TUE	7:30 PM ATL @ CIN	2.8	7:30 PM KC @ BAL	1.2
9/18	FRI	7:30 PM HOU @ ATL	2.5	7:30 PM TEX @ TOR	1.0
9/22	TUE	10:30 PM ATL @ LA	1.4	10:30 PM ATL @ LA	1.1
9/25	FRI	10:00 PM ATL @ SD	1.5	10:30 PM CIN @ SF	0.8
9/29	TUE	7:30 PM SF @ ATL	2.8	7:30 PM BOS @ TOR	1.1
10/2	FRI	8:30 PM SD @ ATL	1.7	7:30 PM DET @ TOR	1.4

AVERAGESWTBSESPN% DIFF.

OVERALL (39)	2.2	1.1	-50%
MONDAY EARLY (6)	2.1	1.3	-38%
TUESDAY EARLY (7)	2.7	1.2	-56%
TUESDAY LATE (4)	2.0	1.0	-50%
FRIDAY EARLY (18)	2.2	1.0	-55%
FRIDAY LATE (4)	1.6	1.0	-36%